

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 2, 2003

SENATE BILL

No. 419

Introduced by Senator Scott

February 20, 2003

~~An act to add Section 720 to the Public Utilities Code, relating to telecommunications.~~ *An act to amend Section 118275 of the Health and Safety Code, relating to medical waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 419, as amended, Scott. ~~Telecommunications~~ *Medical waste: containment.*

Existing law, the Medical Waste Management Act, administered by the State Department of Health Services, regulates the management and handling of medical waste. Existing law establishes the requirements for containing or storing medical waste.

This bill would allow the consolidation of medical waste into a common container provided that the waste is treated by an approved plasma arc technology and the container is labeled as required by the bill.

~~Under existing federal law, the Federal Communications Commission licenses and regulates providers of commercial mobile radio service. Under existing federal law, no state or local government may regulate the entry of or the rates charged by any commercial mobile radio service, but is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service. Existing federal law administered by the Federal Communications Commission~~

~~authorizes public safety agencies or entities to operate radio communication systems on specified frequencies of the radio spectrum and directs states to oversee interoperability of public safety spectrum.~~

~~Existing law empowers the Public Utilities Commission to regulate public utilities including telephone corporations. Existing law requires telephone corporations that are commercial mobile radio services providers to provide customer services.~~

~~Existing law provides that the Public Safety Radio Strategic Planning Committee has the primary responsibility in state government for developing and implementing a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies.~~

~~Existing law requires the Department of Justice to maintain a statewide telecommunications system, known as the California Law Enforcement Telecommunications System, for use by law enforcement agencies, and requires the Attorney General to appoint an advisory committee to assist with management of the system.~~

~~This bill would require the commission, in consultation with the advisory committee on the California Law Enforcement Telecommunications System and the Public Safety Radio Strategic Planning Committee, through rules or other appropriate procedure, to ensure that any contractual conversion from existing Cellular Digital Packet Data telecommunications systems used by public safety departments, in a manner that does not jeopardize the public safety or the safety of employees of public safety departments. Because a violation of the Public Utilities Act or an order of the commission is a crime under existing law, the bill would impose a state-mandated local program by creating a new crime.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes *no*.~~



The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares all of the~~
2 SECTION 1. Section 118275 of the Health and Safety Code is
3 amended to read:

4 118275. To containerize or store medical waste, a person shall
5 do all of the following:

6 (a) Medical waste shall be contained separately from other
7 waste at the point of origin in the producing facility. Sharps
8 containers may be placed in biohazard bags or in containers with
9 biohazard bags.

10 (b) Biohazardous waste, except biohazardous waste as defined
11 in subdivision (g) of Section 117635, shall be placed in a red
12 biohazard bag conspicuously labeled with the words
13 “Biohazardous Waste” or with the international biohazard symbol
14 and the word “BIOHAZARD.”

15 (c) Sharps waste shall be contained in a sharps container
16 pursuant to Section 118285.

17 (d) (1) Biohazardous waste, which meets the conditions of
18 subdivision (f) of Section 117635 because it is contaminated
19 through contact with, or having previously contained,
20 chemotherapeutic agents, shall be segregated for storage, and,
21 when placed in a secondary container, that container shall be
22 labeled with the words ~~“Chemotherapy Waste”, “CHEMO”,~~
23 “Chemotherapy Waste,” “CHEMO,” or other label approved by
24 the department on the lid and on the sides, so as to be visible from
25 any lateral direction, to ensure treatment of the biohazardous waste
26 pursuant to Section 118222.

27 (2) Biohazardous waste, which meets the conditions of
28 subdivision (f) of Section 117635 because it is comprised of
29 human surgery specimens or tissues which have been fixed in
30 formaldehyde or other fixatives, shall be segregated for storage
31 and, when placed in a secondary container, that container shall be
32 labeled with the words ~~“Pathology Waste”, “PATH”,~~
33 “Pathology Waste,” “PATH,” or other label approved by the
34 department on the lid and on the sides, so as to be visible from any
35 lateral direction, to ensure treatment of the biohazardous waste
36 pursuant to Section 118222.

37 (e) Sharps waste, which meets the conditions of subdivision (f)
38 of Section 117635, shall be placed in sharps containers labeled in

1 accordance with the industry standard with the words
2 ~~“Chemotherapy Waste”, “Chemo”, “Chemotherapy Waste,”~~
3 ~~“Chemo,”~~ or other label approved by the department, and
4 segregated to ensure treatment of the sharps waste pursuant to
5 Section 118222.

6 (f) Biohazardous waste, which are recognizable human
7 anatomical parts, as specified in Section 118220, shall be
8 segregated for storage and, when placed in a secondary container
9 for treatment as pathology waste, that container shall be labeled
10 with the words ~~“Pathology Waste”, “PATH”, “Pathology~~
11 ~~Waste,” “PATH,”~~ or other label approved by the department on the
12 lid and on the sides, so as to be visible from any lateral direction,
13 to ensure treatment of the biohazardous waste pursuant to Section
14 118222.

15 (g) Biohazardous waste, which meets the conditions specified
16 in subdivision (g) of Section 117635, shall be segregated for
17 storage and, when placed in a container or secondary container,
18 that container shall be labeled with the words “INCINERATION
19 ONLY” or other label approved by the department on the lid and
20 on the sides, so as to be visible from any lateral direction, to ensure
21 treatment of the biohazardous waste pursuant to Section 118222.

22 (h) *A person may consolidate into a common container all of*
23 *the wastes in this section provided that the consolidated waste is*
24 *treated by a plasma arc technology approved pursuant to*
25 *paragraph (3) of subdivision (a) of Section 118215. The container*
26 *shall be labeled with the words “PLASMA ARC ONLY” or other*
27 *label approved by the department on the lid and on the sides, so*
28 *as to be visible from any lateral direction, to ensure treatment of*
29 *the biohazardous waste pursuant to this subdivision.*

30 ~~following:~~

31 ~~(a) Cellular Digital Packet Data (CDPD) is a wireless~~
32 ~~telecommunications technology that most law enforcement~~
33 ~~agencies have been utilizing to communicate from the mobile~~
34 ~~patrol field unit to the law enforcement agency databases.~~

35 ~~(b) CDPD allows access to vital information including~~
36 ~~Department of Motor Vehicle files, California Law Enforcement~~
37 ~~Telecommunications System information, individual department~~
38 ~~databases, and the Internet.~~

39 ~~(c) Over the past several years, law enforcement agencies have~~
40 ~~made increased use of CDPD to enhance officer safety and to~~

1 increase efficiency, and law enforcement agencies have invested
2 heavily in infrastructure to support the system.

3 (d) ~~ATT Wireless (ATTW) is the largest provider of CDPD for~~
4 ~~public safety departments in California.~~

5 (e) ~~ATTW has announced that it is replacing CDPD with a~~
6 ~~newer wireless telecommunications technology, known as Global~~
7 ~~Mobile System/General Packet Radio Service (GMS/GPRS).~~

8 (f) ~~ATTW has announced that it will be accepting no new~~
9 ~~CDPD accounts after December 31, 2002, and that it will be~~
10 ~~terminating CDPD service on July 1, 2004.~~

11 (g) ~~The termination of CDPD service will negate years of~~
12 ~~investment in CDPD infrastructure by public safety departments~~
13 ~~and will necessitate purchases of new equipment at a time when~~
14 ~~public safety departments are under critical financial constraints.~~

15 (h) ~~With the termination of the CDPD technology in favor of~~
16 ~~the new GMS/GPRS technology, ATTW also intends to shift all~~
17 ~~accounts from a government flat rate to a usage-based rate, which~~
18 ~~could substantially increase operating costs.~~

19 (i) ~~Because of the short notice provided public safety~~
20 ~~departments by ATTW, those agencies will have insufficient time~~
21 ~~to research the new technology for equipment, determine whether~~
22 ~~the GMS/GPRS actually meets public safety needs and functions~~
23 ~~in the manner promoted by ATTW, including, but not limited to,~~
24 ~~sufficient radio coverage, find sources of funds to purchase the~~
25 ~~necessary infrastructure, and to make budget adjustments.~~

26 (j) ~~The new GMS/GPRS network technology must be~~
27 ~~approved by the California Law Enforcement~~
28 ~~Telecommunications System advisory committee.~~

29 (k) ~~The new GMS/GPRS technology only provides 64 bit~~
30 ~~encryption, but the California Department of Justice requires 128~~
31 ~~bit encryption and additional software will be needed before the~~
32 ~~new technology satisfies the department's security standards.~~

33 (l) ~~The ability to have immediate exchange of mission critical~~
34 ~~information has become a public safety necessity, particularly in~~
35 ~~an era of heightened homeland security readiness.~~

36 (m) ~~Although conversion to the newer GMS/GPRS may be in~~
37 ~~the public interest because it will provide greater speed and~~
38 ~~information capacity, public safety agencies have insufficient time~~
39 ~~to convert to the GMS/GPRS technology or to seek alternatives to~~

1 ~~the ATTW offering, possibly jeopardizing public safety and~~
2 ~~officer safety.~~

3 ~~(n) It is anticipated that public safety departments will need~~
4 ~~until at least July 1, 2007, to convert to the new GSM/GPRS~~
5 ~~technology.~~

6 ~~(o) The act adding this section is not intended to require public~~
7 ~~safety departments to convert from one wireless~~
8 ~~telecommunications technology to another.~~

9 ~~SEC. 2. Section 720 is added to the Public Utilities Code, to~~
10 ~~read:~~

11 ~~720. The commission, by rule or other appropriate procedure,~~
12 ~~and in consultation with the advisory committee on the California~~
13 ~~Law Enforcement Telecommunications System and the Public~~
14 ~~Safety Radio Strategic Planning Committee, shall ensure that any~~
15 ~~contractual conversion from existing Cellular Digital Packet Data~~
16 ~~telecommunications systems used by public safety departments,~~
17 ~~does not jeopardize the public safety or the safety of employees of~~
18 ~~public safety departments.~~

19 ~~SEC. 3. No reimbursement is required by this act pursuant to~~
20 ~~Section 6 of Article XIII B of the California Constitution because~~
21 ~~the only costs that may be incurred by a local agency or school~~
22 ~~district will be incurred because this act creates a new crime or~~
23 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
24 ~~for a crime or infraction, within the meaning of Section 17556 of~~
25 ~~the Government Code, or changes the definition of a crime within~~
26 ~~the meaning of Section 6 of Article XIII B of the California~~
27 ~~Constitution.~~